FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3853/2006
(Prejraj Balraj Bhandari VERSUS the Scheduled Tribe Caste Certificate Scrutiny Committee thro. its Secretary & another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Parsodkar, counsel for the petitioner.
Mr. Puranik, counsel for the R-1.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : DECEMBER 11, 2007.

Heard Mr. Parsodkar, the learned counsel for the petitioner and Mr. Puranik, the learned counsel for the respondent no.1.

This writ petition is directed against the order dated 26.06.2006 passed by the Caste Scrutiny Committee, whereby the caste claim of the petitioner as belonging to Mannewar Scheduled Tribe came to be invalidated.

Considered the contentions canvassed by the respective counsel. The observations made in sub paragraph (b) of paragraph 6 reads thus---

"In view of the law laid down by the Apex Court, the entries made in the documents furnished by the applicant, and the documents obtained by the vigilance Cell, must have to be read as it is, the caste entries in respect of applicant and his relatives are shown as Telgu Mannewar, Hindu Telgu Mannewar, Telangi whereas relevant entry in Presidential order shows that caste Mannewar is included in Scheduled Tribe Category and not Telgu Mannewar. It is not permissible for the caste Scrutiny Committee, Court or Tribunal to hold any enquiry and conclude that name of the caste mentioned in the various record is not correct since the word Telgu is referable to the language of the community and the word Mannewar is referable to the caste. In the light of the law laid down by the Apex Court, the name of the caste must be read as it is mentioned in the documents of the applicant vis-a-vis the relevant entry in Presidential order, otherwise it will result in interfering with the relevant entry in the Presidential Order and therefore his contention is not sustainable."

In view of the above referred observations, it is evident that the documents submitted by the petitioner in support of his caste claim of his near relative do not demonstrate that the petitioner belong to Mannewar Scheduled Tribe and since there is no jurisdiction vested in the Committee to conduct any

inquiry in this regard, the conclusion arrived at by the Committee is just and proper.

Consequently, the writ petition is disposed of.

JUDGE JUDGE

APTE